

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARK ALLEN SILVA,

Plaintiff,

v.

WESTERN STATE HOSPITAL, et al.,

## Defendants.

Case No. 3:24-cv-05498-JCC-TLF

## **REPORT AND RECOMMENDATION**

AUGUST 23, 2024

On June 24, 2024, Plaintiff filed a proposed civil rights complaint under 42 U.S.C.

§ 1983 and an application to proceed *in forma pauperis* (IFP). Dkt 1. On July 3, 2024, the Court ordered Plaintiff to show cause why their complaint should not be dismissed for failure to state a claim. Dkt. 4. Plaintiff had until July 30, 2024, to meet the Court's deadline. *Id.*

Plaintiff has not responded to the Court's order to show cause to date.

Accordingly, the undersigned recommends that the Court DENY Plaintiff's IFP application (Dkt. 1) and dismiss the action without prejudice for failure to prosecute.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this report to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo* review by the district judge, see 28 U.S.C. § 636(b)(1)(C), and can result in a waiver of those objections for purposes of appeal. See *Thomas v. Arn*, 474

1 U.S. 140, 142 (1985); *Miranda v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations  
2 omitted). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is  
3 directed to set the matter for consideration on **August 23, 2024**, as noted in the  
4 caption.

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6 Dated this 8th day of August, 2024.

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10 Theresa L. Fricke  
11 United States Magistrate Judge  
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